


PROB 22 (Rev. 2/88)		DOCKET NUMBER (Tran. Court) <b>0104 3:13CR00768-001</b>	
TRANSFER OF JURISDICTION		DOCKET NUMBER (Rec. Court) <b>SA:21-CR-00074</b>	
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE  Emmanuel Colon-Melendez	DISTRICT  Puerto Rico	DIVISION  U.S. Probation Office	
	NAME OF SENTENCING JUDGE  Hon. Jay A. Garcia-Gregory, USDJ		
	DATES OF PROBATION/ SUPERVISED RELEASE	FROM  04/12/2018	TO  04/11/2021
OFFENSE  18 U.S.C. § 922(o) and 2, & 924(a)(2) Possession of a machine gun 18 U.S.C. § 922(k) and 924 (a)(1)(B) Possession of a firearm with an obliterated serial number <div style="text-align: right;"><b>FILED</b> February 05, 2021 CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS</div>			
PART 1 - ORDER TRANSFERRING JURISDICTION		BY: <u>cd</u> DEPUTY	
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO  IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. 3605, the jurisdiction of the probationer or supervised releasee named above be transferred with the records of this Court to the United States District Court for the _____ Western District of Texas _____ upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this court.  <div style="display: flex; justify-content: space-between;"><div><u>1/22/2021</u> Date</div><div><u>s/ Jay A. Garcia-Gregory</u> United States District Judge</div></div>			
*This sentence may be deleted in the discretion of the transferring Court.			
PART 2 - ORDER ACCEPTING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WESTERN DISTRICT OF TEXAS  IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.  <div style="display: flex; justify-content: space-between;"><div><u>January 28, 2021</u> Effective Date</div><div> United States District Judge</div></div>			

**United States District Court  
District of Puerto Rico (San Juan)  
CRIMINAL DOCKET FOR CASE #: 3:13-cr-00768-JAG-1**

Case title: USA v. Colon-Melendez et al  
Related Case: 3:16-cv-02193-JAG  
Magistrate judge case number: 3:13-mj-01222-CVR

Date Filed: 10/23/2013  
Date Terminated: 03/25/2014

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Assigned to: Judge Jay A.  
Garcia-Gregory

Appeals court case number:  
14-1422

**Defendant (1)**

**Emmanuel Colon-Melendez**  
*TERMINATED: 03/25/2014*

represented by **Wilfredo Diaz-Narvaez**  
Wilfredo Diaz Narvaez Law Office  
PO Box 31270  
San Juan, PR 00929-2270  
787-759-7269  
Fax: 787-753-4598  
Email: [attwdn@hotmail.com](mailto:attwdn@hotmail.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Pending Counts**

18:924(a)(2) POSSESSION OF A  
MACHINE GUN  
(1)

18:922(k) AND 924(a)(1)(B)  
POSSESSION OF A FIREARM  
WITH AN OBLITERATED  
SERIAL NUMBER  
(2)

**Disposition**

IMPR for 60 months; SRT of 3 yrs; SMA of  
\$200.00; Forfeiture

IMPR for 60 months; SRT of 3 yrs; SMA of  
\$200.00; Forfeiture

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

**Disposition**

18:922(o)(1) Violent  
crime/drugs/machine gun,  
18:922(k) Sell defaced firearms

**Interested Party**

**US Probation Office**

**Plaintiff**

**USA**

represented by **Evelyn Canals–Lozada**  
United States Attorneys Office  
District of Puerto Rico  
Torre Chardon Suite 1201  
350 Chardon Ave  
San Juan, PR 00918  
787–282–1934  
Fax: 787–766–6222  
Email: [evelyn.canals@usdoj.gov](mailto:evelyn.canals@usdoj.gov)  
*TERMINATED: 01/19/2021*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Luke V. Cass**  
*TERMINATED: 11/18/2013*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Pedro R. Casablanca–Sagardia**  
United States Attorneys Office  
District of Puerto Rico  
Torre Chardon Suite 1201  
350 Chardon Ave  
San Juan, PR 00918  
787–282–1824  
Email: [pedro.r.casablanca@usdoj.gov](mailto:pedro.r.casablanca@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: AUSA Designation*

Date Filed	#	Page	Docket Text
10/17/2013	<u>1</u>		

			COMPLAINT as to Emmanuel Colon-Melendez (1), Ricardo Colon-Melendez (2). (Attachments: # <u>1</u> Affidavit) (cm) [3:13-mj-01222-CVR] (Entered: 10/21/2013)
10/17/2013	<u>2</u>		*RESTRICTED* ARREST Warrant Issued by US Magistrate Judge Camille L. Velez-Rive in case as to Emmanuel Colon-Melendez, Ricardo Colon-Melendez. (cm) [3:13-mj-01222-CVR] (Entered: 10/21/2013)
10/18/2013			Arrest of Emmanuel Colon-Melendez, Ricardo Colon-Melendez (yr) [3:13-mj-01222-CVR] (Entered: 10/21/2013)
10/18/2013	3		Minute Entry for proceedings held before US Magistrate Judge Camille L. Velez-Rive:Initial Appearance as to Emmanuel Colon-Melendez, Ricardo Colon-Melendez held on 10/18/2013. Defendants were provided with copy of the complaint and advised as to the charges and their rights. Defendants notified that both of them would be retaining attorney. <b>Preliminary Examination/Detention Hearing set for 10/23/2013 at 01:30 PM in Courtroom 11 before US Magistrate Judge Camille L. Velez-Rive.</b> Defendants are ordered detained pending hearings. (yr) [3:13-mj-01222-CVR] (Entered: 10/21/2013)
10/18/2013	<u>4</u>		ORDER scheduling detention hearing as to Emmanuel Colon-Melendez. Defendant is TEMPORARILY DETAINED pending hearing. Signed by US Magistrate Judge Camille L. Velez-Rive on 10/18/2013.(yr) [3:13-mj-01222-CVR] (Entered: 10/21/2013)
10/22/2013	<u>6</u>		NOTICE OF ATTORNEY APPEARANCE: Wilfredo Diaz-Narvaez appearing for Emmanuel Colon-Melendez (Diaz-Narvaez, Wilfredo) [3:13-mj-01222-CVR] (Entered: 10/22/2013)
10/22/2013	<u>7</u>		MOTION to Continue <i>PRELIMINARY EXAMINATION/DETENTION HEARING</i> by Emmanuel Colon-Melendez. Suggestions in opposition/response due by 11/7/2013 (Diaz-Narvaez, Wilfredo) [3:13-mj-01222-CVR] (Entered: 10/22/2013)
10/23/2013	8		ORDER denying as moot <u>7</u> Motion to Continue as to Emmanuel Colon-Melendez (1).Signed by US Magistrate Judge Camille L. Velez-Rive on 10/23/2013. (yr) [3:13-mj-01222-CVR] (Entered: 10/23/2013)
10/23/2013	<u>9</u>	10	INDICTMENT as to Emmanuel Colon-Melendez (1) counts 1, 2, Ricardo Colon-Melendez (2) counts 1, 2. (ab) (Entered: 11/01/2013)
10/23/2013	<u>10</u>		Minute Entry for proceedings held before US Magistrate Judge Camille L. Velez-Rive: Return of Indictment by Grand Jury as to Emmanuel Colon-Melendez, Ricardo Colon-Melendez held on 10/23/2013. Defts. under custody. <b>Arraignment set for 10/23/13 at 1:30 PM before Mag. Judge Camille Velez-Rive.</b> (ab) (Entered: 11/01/2013)
10/23/2013	11		Minute Entry for proceedings held before US Magistrate Judge Camille L. Velez-Rive: Arraignment/Detention as to Emmanuel Colon-Melendez (1) Counts 1,2 held on 10/23/2013. Present were: AUSA Luke Cass and Atty. Wilfredo Diaz. Defendant U/C was present and assisted by the Court Interpreter. Defendant was found competent to understand the proceedings. He waived the reading of the Indictment and entered a plea of not guilty as to all counts. The parties will have 7 days for discovery and 14 days thereafter to file

		any motions. Case is referred to Judge Fuste for scheduling. As to bail, arguments were heard. Bail was imposed in the amount of \$2,000.00 cash or secured, home incarceration with EM, cost of EM to be paid by defendant, U/A drug testing and/or treatment, plus all other standard conditions of release. (Court Reporter FTR.)Hearing set for 01:30.Hearing held at 02:28.Hearing ended at 02:38.Interpreter Sonia Crescioni. (grf) (Entered: 11/01/2013)
10/25/2013	<u>13</u>	ORDER Setting Conditions of Release as to Emmanuel Colon–Melendez (1) \$2,000.00 cash or secured. Signed by US Magistrate Judge Camille L. Velez–Rive on 10/25/2013.(ab) (Entered: 11/04/2013)
10/25/2013	<u>14</u>	*RESTRICTED* Appearance Bond Entered as to Emmanuel Colon–Melendez in amount of \$2,000.00 in cash, Receipt # PRX100023097. (ab) (Entered: 11/04/2013)
11/07/2013	<u>18</u>	NOTICE OF ATTORNEY APPEARANCE: Evelyn Canals–Lozada appearing for USA. (Canals–Lozada, Evelyn) (Entered: 11/07/2013)
11/13/2013	19	ORDER as to Emmanuel Colon–Melendez, Ricardo Colon–Melendez: <b>Status Conference set for 11/21/2013 04:45 PM in Courtroom 7 before Judge Jose A. Fuste.</b> Signed by Judge Jose A. Fuste on 11/13/2013. (dv) (Entered: 11/13/2013)
11/14/2013	<u>20</u>	MOTION to Withdraw as Attorney by Luke Cass. by USA as to Emmanuel Colon–Melendez, Ricardo Colon–Melendez. Suggestions in opposition/response due by 12/2/2013 (Cass, Luke) (Entered: 11/14/2013)
11/18/2013	21	ORDER granting <u>20</u> Motion to Withdraw as Attorney by Luke Cass as to Emmanuel Colon–Melendez (1), Ricardo Colon–Melendez (2)Signed by Judge Jose A. Fuste on 11/18/2013. (mrj) (Entered: 11/18/2013)
11/20/2013	<u>22</u>	MOTION to Continue <i>Status Conference</i> by Emmanuel Colon–Melendez. Suggestions in opposition/response due by 12/6/2013 (Diaz–Narvaez, Wilfredo) (Entered: 11/20/2013)
11/20/2013	24	ORDER granting <u>22</u> Motion to Continue as to Emmanuel Colon–Melendez (1); granting <u>23</u> Motion to Continue as to Ricardo Colon–Melendez (2). <b>Status Conference set for 11/21/2013 IS RESET FOR 12/2/2013 04:00 PM in Courtroom 7 before Judge Jose A. Fuste.</b> Signed by Judge Jose A. Fuste on 11/20/2013. (dv) (Entered: 11/20/2013)
11/25/2013	25	ORDER as to Emmanuel Colon–Melendez, Ricardo Colon–Melendez: <b>Status Conference ADVANCED for 12/2/2013 02:00 PM in Courtroom 7 before Judge Jose A. Fuste.</b> Signed by Judge Jose A. Fuste on 11/25/2013.(dv) (Entered: 11/25/2013)
12/02/2013	26	Minute Entry for proceedings held before Judge Jose A. Fuste: Status Conference as to Emmanuel Colon–Melendez, Ricardo Colon–Melendez held on 12/2/2013: Present: AUSA Evelyn Canals, Attys. Wilfredo Diaz, Victor A. Ramos. Discovery and plea offers tendered. The firearm involved in the offense was automatic. <b>Change of Plea Hearing set for 12/13/2013 09:30 AM in Courtroom 7 before Judge Jose A. Fuste.</b> (Court Reporter Amy Walker.)Hearing set for 02:00.Hearing held at 02:42.Hearing ended at 02:47. (dv) (Entered: 12/04/2013)
12/12/2013	<u>27</u>	

		First MOTION for Extension of Time until December 23, 2013 to File Change of Plea by Emmanuel Colon–Melendez. Suggestions in opposition/response due by 12/30/2013 (Diaz–Narvaez, Wilfredo) (Entered: 12/12/2013)
12/13/2013	<u>29</u>	Minute Entry for proceedings held before Judge Jose A. Fuste: Change of Plea Hearing as to Emmanuel Colon–Melendez held on 12/13/2013. Present: AUSA Evelyn Canals, Atty. Wilfredo Diaz. Defendant is OB and present in court. Plea entered by Emmanuel Colon–Melendez (1) Guilty Counts 1,2. <b>Sentencing Hearing set for 3/13/2014 09:30 AM in Courtroom 7 before Judge Jose A. Fuste.</b> PSI Report ordered. E–mail sent to USPO. Bail is revoked. Court ordered defendant detained pending sentence. (Court Reporter Amy Walker.)Hearing set for 09:30.Hearing held at 10:56.Hearing ended at 11:27.Interpreter Felix Toledo. (dv) (Entered: 12/16/2013)
12/13/2013	<u>30</u>	PLEA AGREEMENT as to Emmanuel Colon–Melendez (1). (dv) (Entered: 12/16/2013)
12/13/2013	<u>31</u>	***SELECTED PARTIES*** PLEA SUPPLEMENT as to Emmanuel Colon–Melendez (1). (dv) (Entered: 12/16/2013)
01/07/2014	<u>36</u>	Emergency MOTION Requesting Order by Emmanuel Colon–Melendez. Suggestions in opposition/response due by 1/24/2014 (Diaz–Narvaez, Wilfredo) (Entered: 01/07/2014)
01/09/2014	37	ORDER denying <u>36</u> Motion Requesting Order as to Emmanuel Colon–Melendez (1); denying 35 Motion Requesting Order as to Ricardo Colon–Melendez (2). Communication may be had by video conference, telephone, and mail. In addition, Defendants will be transferred back to Puerto Rico before the sentencing date. Signed by Judge Jose A. Fuste on 01/09/2014. (mrj) (Entered: 01/09/2014)
02/05/2014	<u>38</u>	***SELECTED PARTIES*** NOTICE of Disclosure of PSR Pursuant to Local Rule 132, the U.S. Probation Officer makes disclosure of the presentence report for the defendant of record. According to said rule, any inaccuracies or discrepancies should be reported to the Probation Officer within 14 days from disclosure of the document. Since the presentence report is a Court Document, its contents must not be recorded or otherwise disseminated to third parties in any manner, by USA, US Probation Office, Emmanuel Colon–Melendez (U.S. Probation Officer, Jorge Santaella) (Entered: 02/05/2014)
02/18/2014	<u>40</u>	First MOTION for Extension of Time to File objections to the Presentence Investigation Report by Emmanuel Colon–Melendez. Suggestions in opposition/response due by 3/6/2014 (Diaz–Narvaez, Wilfredo) (Entered: 02/18/2014)
02/20/2014	41	ORDER granting <u>40</u> Motion for Extension of Time as to Emmanuel Colon–Melendez (1). <b>Objections to PSI due by 3/10/2014.</b> Signed by Judge Jose A. Fuste on 02/20/2014. (mrj) (Entered: 02/20/2014)
02/20/2014	<u>42</u>	First MOTION Requesting Order <i>Defendant to be Transferred Back to the District of Puerto Rico</i> by Emmanuel Colon–Melendez. Suggestions in opposition/response due by 3/10/2014 (Diaz–Narvaez, Wilfredo) (Entered: 02/20/2014)
02/21/2014	43	

		ORDER granting <u>42</u> Motion Requesting Order as to Emmanuel Colon-Melendez (1). Defendant to be brought back to this District as soon as possible. Signed by Judge Jose A. Fuste on 02/21/2014. (mrj) (Entered: 02/21/2014)
03/05/2014	<u>45</u>	***SELECTED PARTIES*** NOTICE of Filing of Addendum to the PSR. The addendum to the presentence investigation report has been filed in compliance with Rule 32 of the Federal Rules of Criminal Procedure by USA, US Probation Office, as to Emmanuel Colon-Melendez (U.S. Probation Office Staff, Rebecca Perez) (Entered: 03/05/2014)
03/11/2014	<u>47</u>	***SELECTED PARTIES*** NOTICE of Disclosure of Amended PSR Pursuant to Local Rule 132, the U.S. Probation Officer makes disclosure of the amended presentence report for the defendant of record. Since the presentence report is a Court Document, its contents must not be recorded or otherwise disseminated to third parties in any manner, by USA, US Probation Office, Emmanuel Colon-Melendez (U.S. Probation Officer, Jorge Santaella) (Entered: 03/11/2014)
03/11/2014	<u>48</u>	First MOTION to Continue <i>Sentencing Hearing</i> by Emmanuel Colon-Melendez. Suggestions in opposition/response due by 3/27/2014 (Diaz-Narvaez, Wilfredo) (Entered: 03/11/2014)
03/12/2014	49	ORDER granting <u>48</u> Motion to Continue as to Emmanuel Colon-Melendez (1). <b>Sentencing Hearings set for 3/13/2013 ARE RESET FOR 3/25/2014 09:30 AM in Courtroom 7 before Judge Jose A. Fuste AS TO BOTH DEFENDANTS.</b> Signed by Judge Jose A. Fuste on 03/12/2014. (dv) (Entered: 03/12/2014)
03/24/2014	50	ORDER as to Emmanuel Colon-Melendez (1), Ricardo Colon-Melendez (2): <b>Sentencing Hearings RESET for 3/25/2014 04:30 PM in Courtroom 7 before Judge Jose A. Fuste.</b> Signed by Judge Jose A. Fuste on 03/24/2014.(dv) (Entered: 03/24/2014)
03/24/2014	<u>53</u>	SENTENCING MEMORANDUM by Emmanuel Colon-Melendez (Attachments: # <u>1</u> Exhibit) (Diaz-Narvaez, Wilfredo) (Entered: 03/24/2014)
03/24/2014	<u>54</u>	***FILED IN ERROR-WRONG PDF*** OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Emmanuel Colon-Melendez as to Emmanuel Colon-Melendez (Diaz-Narvaez, Wilfredo) Modified on 3/25/2014 (np). (Entered: 03/24/2014)
03/25/2014		NOTICE of Docket Text Modification by Deputy Clerk re: <u>54</u> ***FILED IN ERROR-WRONG PDF*** Objection to Presentence Investigation Report (np) (Entered: 03/25/2014)
03/25/2014	<u>56</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Emmanuel Colon-Melendez as to Emmanuel Colon-Melendez (Diaz-Narvaez, Wilfredo) (Entered: 03/25/2014)
03/25/2014	58	Minute Entry for proceedings held before Judge Jose A. Fuste: Sentencing held on 3/25/2014 for Emmanuel Colon-Melendez (1). Present: SAUSA Daynelle Alvarez, Atty. Wilfredo Diaz, USPO Manuel Casanova. Defendant is U/C and present in court. <u>56</u> Objections to the PSR were discussed. Addendum to the PSR to be filed to include the changes ordered by the Court. Facts of the case



			reviewed. Statements in support of mitigation of punishment heard on behalf of the defense. Defendant's allocution heard. The Court imposed a variance sentence based on the nature and circumstances of the offense, including the type of guns, caliber, modifications and ammunition involved in the case. The sentence imposed is above the advisory guideline range. Counts 1, 2, IMPR for 60 months; SRT of 3 yrs; SMA of \$200.00; Forfeiture. Defendant was advised of his right to appeal the issue of the variance. (Court Reporter Amy Walker.)Hearing set for 04:30.Hearing held at 04:39.Hearing ended at 05:14.Interpreter Felix Toledo. (dv) (Entered: 03/28/2014)
03/25/2014	<u>59</u>	13	JUDGMENT as to Emmanuel Colon–Melendez (1), Counts 1, 2, IMPR for 60 months; SRT of 3 yrs; SMA of \$200.00; Forfeiture. Signed by Judge Jose A. Fuste on 03/25/2014.(dv) (Entered: 03/28/2014)
03/31/2014	<u>62</u>		NOTICE OF APPEAL by Emmanuel Colon–Melendez. Re: <u>59</u> Judgment.  <b>NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf/">http://pacer.psc.uscourts.gov/cmecf/</a>. Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at <a href="http://www.ca1.uscourts.gov/efiling.htm">http://www.ca1.uscourts.gov/efiling.htm</a></b> (Diaz–Narvaez, Wilfredo) Modified on 5/19/2014 creating link (np). (Entered: 03/31/2014)
04/08/2014	<u>64</u>		First MOTION for Return of Surety by Emmanuel Colon–Melendez (1). Suggestions in opposition/response due by 4/24/2014 (Diaz–Narvaez, Wilfredo) (Entered: 04/08/2014)
04/09/2014	66		ORDER granting <u>64</u> Motion for Return of Surety as to Emmanuel Colon–Melendez (1). Signed by Judge Jose A. Fuste on 04/09/2014. (mrj) (Entered: 04/09/2014)
04/10/2014	<u>68</u>		TRANSCRIPT REQUEST by Emmanuel Colon–Melendez (1) for proceedings held on December 13, 2013 before Judge Jose A. Fuste. (Diaz–Narvaez, Wilfredo) (Entered: 04/10/2014)
04/10/2014	<u>69</u>		TRANSCRIPT REQUEST by Emmanuel Colon–Melendez (1) for proceedings held on March 25, 2014 before Judge Jose A. Fuste. (Diaz–Narvaez, Wilfredo) (Entered: 04/10/2014)
04/10/2014			Check No.4241586 disbursed on 4/10/2014 in compliance with docket number 66. (ne) (Entered: 04/25/2014)
04/14/2014	<u>71</u>		Certified and Transmitted Record on Appeal as to Emmanuel Colon–Melendez (1) to US Court of Appeals re <u>62</u> Notice of Appeal – Final Judgment, [Docket Entries 59 & 62] (xi) (Entered: 04/14/2014)
04/15/2014	72		USCA Case Number 14–1422 for <u>62</u> Notice of Appeal – Final Judgment, filed by Emmanuel Colon–Melendez. (xi) (Entered: 04/15/2014)
04/23/2014			USCA Appeal Fees received \$ 505.00, receipt number PRX100026037 as to Emmanuel Colon–Melendez (1) re <u>62</u> Notice of Appeal – Final Judgment,, : (jla) (Entered: 04/23/2014)
06/17/2014	<u>76</u>		Judgment Returned Executed as to Emmanuel Colon–Melendez (1) on 4/18/2014. (mrb) (Entered: 06/19/2014)



07/02/2014	<u>77</u>	<p>Transcript of Changes of Plea as to Emmanuel Colon–Melendez (1), Ricardo Colon–Melendez (2) held on December 13, 2013, before Honorable United States District Court Judge Jose A. Fuste. Court Reporter/Transcriber Amy Walker, Telephone number prcsr123@gmail.com. COA Number: 14–1422.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at <a href="http://www.prd.uscourts.gov">www.prd.uscourts.gov</a>. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/28/2014. Redacted Transcript Deadline set for 8/7/2014. Release of Transcript Restriction set for 10/3/2014. (aw) (Entered: 07/02/2014)</p>
07/02/2014	<u>78</u>	<p>Transcript of Sentence as to Emmanuel Colon–Melendez (1) held on March 25, 2014, before Honorable United States District Court Judge Jose A. Fuste. Court Reporter/Transcriber Amy Walker, Telephone number prcsr123@gmail.com. COA Number: 14–1422, 14–1424. <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be available electronically to the public without redaction after 90 calendar days. The policy is located at <a href="http://www.prd.uscourts.gov">www.prd.uscourts.gov</a>. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/28/2014. Redacted Transcript Deadline set for 8/7/2014. Release of Transcript Restriction set for 10/3/2014. (aw) (Entered: 07/02/2014)</p>
08/11/2015	<u>80</u>	<p>JUDGMENT of USCA (certified copy) as to Emmanuel Colon–Melendez (1), Ricardo Colon–Melendez (2) re <u>62</u> Notice of Appeal – Final Judgment, 63 Notice of Appeal – Final Judgment; AFFIRMED. (xi) (Entered: 08/11/2015)</p>
09/02/2015	<u>81</u>	<p>MANDATE of USCA (certified copy) as to Emmanuel Colon–Melendez, Ricardo Colon–Melendez re <u>62</u> Notice of Appeal – Final Judgment, 63 Notice of Appeal – Final Judgment; AFFIRMED. RE: <u>80</u> JUDGMENT of USCA. (xi) (Entered: 09/02/2015)</p>
09/02/2015		<p>Appeal Record Returned as to Emmanuel Colon–Melendez (1), Ricardo Colon–Melendez (2): <u>62</u> Notice of Appeal – Final Judgment, 63 Notice of Appeal – Final Judgment RE: <u>81</u> USCA Mandate, USCA Appeal Fees, 73 Appeal Record Sent to USCA, <u>80</u> USCA Judgment, <u>71</u> Appeal Record Sent to USCA. (xi) (Entered: 09/02/2015)</p>
06/27/2016	82	<p>MEMORANDUM OF THE CLERK: In view of the retirement of Judge Jose A. Fuste, this case has been randomly reassigned within the Case Assignment System to the docket of Judge Jay A. Garcia–Gregory. Signed by Clerk on 6/27/2016. (nat) (Entered: 06/27/2016)</p>
06/27/2016	<u>84</u>	<p>COPY OF MOTION to Vacate under 28 U.S.C. 2255 by Emmanuel Colon–Melendez (1)Pro Se. (Attachments: # <u>1</u> Supplement, # <u>2</u> Cover Letter, # <u>3</u> Envelope)(arg) Civil case 3:16–cv–02193–JAG opened. (Entered: 06/27/2016)</p>

10/30/2018	<u>85</u>		*RESTRICTED* ARREST Warrant Returned Executed on 10/17/2013 in case as to Emmanuel Colon-Melendez (1). (rim) (Entered: 01/11/2019)
09/18/2019	89		Copy of ORDER denying <u>84</u> Motion to Vacate (2255) as to Emmanuel Colon-Melendez (1), re: 16-cv-2193. Signed by Judge Jay A. Garcia-Gregory on 9/18/19. (mg) Civil Case 3:16-cv-02193-JAG closed. (Entered: 09/23/2019)
09/18/2019	<u>90</u>		COPY OF JUDGMENT 2255 as to Emmanuel Colon-Melendez (1). Signed by Judge Jay A. Garcia-Gregory on 9/18/19.(mg) (Entered: 09/23/2019)
01/11/2021	<u>91</u>		MOTION Notifying Violations of Supervised Release Conditions and Requesting the Issuance of an Arrest Warrant by US Probation Office as to Emmanuel Colon-Melendez (1). Responses due by 1/25/2021. NOTE: Pursuant to FRCP 6(a) an additional three days does not apply to service done electronically. (U.S. Probation Officer, Tania Abrew) Modified on 1/12/2021 remove all caps (gav). (Entered: 01/11/2021)
01/12/2021	92		ORDER as to Emmanuel Colon-Melendez (1) re <u>91</u> Informative Motion Notifying Violations of Supervision Conditions, filed by US Probation Office. <b>The defendant shall be taken to THE MAGISTRATE JUDGE ON DUTY AT THE MOMENT OF DEFENDANT'S ARREST.</b> Arrest warrant to be issued. Signed by Judge Jay A. Garcia-Gregory on 1/12/2021.(su) (Entered: 01/12/2021)
01/12/2021	<u>93</u>		*RESTRICTED* Arrest Warrant Issued by Judge Jay A. Garcia-Gregory in case as to Emmanuel Colon-Melendez (1). (su) (Entered: 01/12/2021)
01/13/2021	<u>94</u>		NOTICE OF ATTORNEY APPEARANCE: Pedro R. Casablanca-Sagardia appearing for USA on the supervised release issue for <u>1</u> Emmanuel Colon-Melendez. (Casablanca-Sagardia, Pedro) Modified on 1/14/2021 remove italics (gav). (Entered: 01/13/2021)
01/14/2021	<u>95</u>		MOTION to Withdraw as Attorney by AUSA Evelyn Canals as to Emmanuel Colon-Melendez, Ricardo Colon-Melendez. Responses due by 1/28/2021. NOTE: Pursuant to FRCP 6(a) an additional three days does not apply to service done electronically. (Canals-Lozada, Evelyn) Modified on 1/15/2021 edit text (gav). (Entered: 01/14/2021)
01/19/2021	96		ORDER granting <u>95</u> Motion to Withdraw as Attorney. Evelyn Canals-Lozada withdrawn from case. Signed by Judge Jay A. Garcia-Gregory on 1/19/2021. (su) (Entered: 01/19/2021)
02/05/2021	<u>97</u>	19	Supervised Release Transferred to Western District of Texas as to Emmanuel Colon-Melendez (1) Transmitted Transfer of Jurisdiction form. (gav) (Entered: 02/05/2021)

U.S. DISTRICT COURT  
SAN JUAN, PR  
2013 OCT 23 PM 1:35

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,**  
Plaintiff,

v.

**[1] EMANUEL COLON-MELENDEZ,**  
**[2] RICARDO COLON-MELENDEZ,**  
Defendants.

**INDICTMENT**

CRIMINAL NO. 13- 768 (JAF)

**VIOLATION:**

18 U.S.C. § 922(o)  
18 U.S.C. § 922(k)  
18 U.S.C. § 2

**FORFEITURE:**

18 U.S.C. § 924(d)(1)  
28 U.S.C. § 2461(c)

TWO COUNTS

**THE GRAND JURY CHARGES:**

**COUNT ONE**

**Possession of A Machine Gun**

(Title 18, United States Code, Section 922(o))

On or about the 17th day of October, 2013, in the District of Puerto Rico, and within the jurisdiction of this Court,

**[1] EMANUEL COLON-MELENDEZ,**  
**[2] RICARDO COLON-MELENDEZ,**

the defendants herein, aiding and abetting one another, did knowingly and intentionally unlawfully possess a machine gun, that is, a loaded Glock pistol firearm, Model 22, Caliber .40, bearing serial number KDL616, a weapon that shoots automatically more than one shot, without manual reloading, by a single function of the trigger, as defined in Title 18, United States Code, Section 921(a)(23) and Title 26, United States Code, Section 5845(b). All in violation of Title 18, United States Code, Sections 922(o), and 2, with penalties provided in Title 18, United States Code, Section 924(a)(2).

*United States v. Colon Melendez, et al.*  
*Indictment*

1

**COUNT TWO**  
**Possession of A Firearm With An Obliterated Serial Number**  
(Title 18, United States Code, Section 922(k))

On or about the 17th day of October, 2013, in the District of Puerto Rico, and within the jurisdiction of this Court,

**[1] EMANUEL COLON-MELENDZ,**  
**[2] RICARDO COLON-MELENDZ,**

the defendants herein, aiding and abetting one another, knowingly possessed a firearm, that is a loaded Extar pistol, Model EXP556, Caliber 5.56, that had been shipped and transported in interstate and foreign commerce from which the manufacturer's serial number had been removed, altered and obliterated, in violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

**FORFEITURE**  
(18 U.S.C. § 924(d)(1) & 28 U.S.C. § 2461(c))

1. The allegations contained in Counts ONE and TWO of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 924(d)(1) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of either Count ONE or Count TWO of this Indictment,

**[1] EMANUEL COLON-MELENDZ,**  
**[2] RICARDO COLON-MELENDZ,**

the defendants herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any firearm and ammunition involved or used in the knowing commission of the offense, including, but not limited to: one (1) Glock Pistol, Model 27, .40 caliber, bearing serial number SFY-529; 22 rounds of .40 caliber ammunition; one (1) Glock Pistol, Model 22, .40 caliber, bearing serial

number KDL616; 22 rounds of .40 caliber ammunition; one (1) Extar pistol, Model EXP556, 5.56 caliber, bearing an obliterated serial number; 20 rounds of .223 caliber ammunition; five (5) Glock magazines; 54 rounds of .40 caliber ammunition; and 57 rounds of .223 caliber ammunition.

✓ **FOREPERSON**

Date: 10/23/2013

**ROSA EMILIA RODRÍGUEZ-VÉLEZ**

United States Attorney



José A. Ruiz-Santiago  
Assistant United States Attorney  
Chief, Criminal Division



José Capo Fariate

Assistant United States Attorney  
Chief, Violent Crimes Unit



Luke Cass  
Assistant United States Attorney

## UNITED STATES DISTRICT COURT

District of Puerto Rico

UNITED STATES OF AMERICA

v.

EMMANUEL COLON-MELENDZ

## JUDGMENT IN A CRIMINAL CASE

Case Number: 3:13-CR-00768-001 (JAF)

USM Number: 42979-069

Wilfredo Diaz-Narvaez, Esq.

Defendant's Attorney

## THE DEFENDANT:

☒ pleaded guilty to count(s) One and Two of the Indictment on December 13, 2013.☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:922(o) and 2, 18:924(a)(2)	Possession of a machine gun	October 17, 2013	ONE
18:922(k) and 924(a)(1)(B)	Possession of a firearm with an obliterated serial number	October 17, 2013	TWO

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

March 25, 2014

Date of Imposition of Judgment

S/JOSE A. FUSTE

Signature of Judge

José A. Fusté

Name of Judge

US District Judge

Title of Judge

March 25, 2014

Date

DEFENDANT: EMMANUEL COLON-MELENDZ  
CASE NUMBER: 3:13-CR-00768-001 (JAF)

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

**SIXTY (60) MONTHS.**

☒ The court makes the following recommendations to the Bureau of Prisons:

- That the defendant be designated to Coleman or an institution in Florida.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL



DEFENDANT: EMMANUEL COLON-MELENDZ

CASE NUMBER: 3:13-CR-00768-001 (JAF)

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

**THREE (3) YEARS.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: EMMANUEL COLON-MELENDZ

CASE NUMBER: 3:13-CR-00768-001 (JAF)

**ADDITIONAL SUPERVISED RELEASE TERMS**

1. The defendant shall not commit another Federal, state, or local crime, and shall observe the standard conditions of supervised release recommended by the United States Sentencing Commission and adopted by this Court.
2. The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release and thereafter, submit to random drug test, no less than 3 samples during the supervision period and not to exceed 104 samples per year in accordance with the Drug Aftercare Program Policy of the U.S. Probation Office approved by this Court. If any such samples detect substance abuse, the defendant shall participate in a in-patient or out-patient substance abuse program, for evaluation and/or treatment, as arranged by the U.S. Probation Officer until duly discharged. The defendant is required to contribute to the cost of services rendered (co-payment) in an amount arranged by the U.S. Probation Officer based on the ability to pay or availability of third party payment.
3. The defendant shall provide the U.S. Probation Officer access to any financial information upon request.
4. The defendant shall submit his person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. §1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation of release. Defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
5. The defendant shall cooperate in the collection of a DNA sample as directed by the U.S. Probation Officer, pursuant to the Revised DNA Collection Requirements, and the Title 18, U.S. Code § 3563(a)(9).
6. The defendant shall participate in a vocational training and/or job placement program recommended by the U.S. Probation Officer.

DEFENDANT: EMMANUEL COLON-MELENDZ

CASE NUMBER: 3:13-CR-00768-001 (JAF)

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 200.00	\$ 0.00	\$ 0.00

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

<b>TOTALS</b>	\$ 0.00	\$ 0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: EMMANUEL COLON-MELENDZ  
CASE NUMBER: 3:13-CR-00768-001 (JAF)

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
- ☐ not later than \_\_\_\_\_, or
- ☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

One Glock pistol, model 27, caliber .40, Serial Number SFY529 and a magazine loaded with 22 rounds of ammunition, caliber .40; one Glock Pistol, Model 22, .40 caliber, bearing serial number KDL-616 loaded with 22 rounds of .40 caliber ammunition with an automatic conversion kit; one Extar pistol, Model EXP556, 5.56 caliber, bearing an obliterated serial number loaded with 20 rounds of .223 caliber ammunition; and any additional magazines, weapons, or ammunitions involved in the commission of the offense.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.